



March 1, 2013  
Via ECFS Filing

Ms. Marlene H. Dortch, Secretary  
Office of the Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**RE: EB Docket No. 06-36**  
**2012 CPNI Certification Filing for Teliix Colorado, LLC**  
**Form 499 Filer ID 824880**

Dear Ms. Dortch:

Attached for filing is the Calendar Year 2012 CPNI Compliance Certification and Statement of CPNI Procedures and Compliance as required by 47 C.F.R. Section 64.2009 (e) submitted on behalf of the Teliix , Inc. The Company respectfully requests an effective date for this filing of March 1, 2013.

Any questions you may have regarding this filing should be directed to my attention at 407-740-3002 or via email to cwightman@tminc.com.

Thank you for your assistance in this matter.

Sincerely,

/s/ Connie Wightman  
Consultant

cc: David Aldworth - Teliix  
file: Teliix - FCC - Other  
tms: FCx1301

Enclosures  
CW/lw

**ANNUAL 47 C.F.R. § 64.2009(e) OFFICER'S CERTIFICATION OF  
CUSTOMER PROPRIETARY NETWORK INFORMATION (CPNI) COMPLIANCE**

**EB Docket 06-36**

Annual 64.2009(e) CPNI Certification for 2013: Covering calendar year 2012

Name of company(s) covered by this certification: Teliix Colorado, LLC

Form 499 Filer ID: 824880

Name of signatory: Terry Ruth

Title of signatory: CFO

1. I, David Aldworth, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that Teliix Colorado, LLC has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. See 47 C.F.R. §64.2001 *et seq.*
2. Attached to this certification is an accompanying statement explaining how Teliix Colorado, LLC procedures ensure that the company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in §64.2001 *et seq.* of the Commission's rules.
3. Teliix Colorado, LLC has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year.
4. Teliix Colorado, LLC has not received customer complaints in the past year concerning the unauthorized release of CPNI.
5. Teliix Colorado, LLC represents and warrants that the above certification is consistent with 47 C.F.R. §1.17 which requires truthful and accurate statements to the Commission. Teliix Colorado, LLC also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

*[Handwritten signature]*

Terry Ruth, CFO  
Teliix Colorado, LLC

Date 3/1/2013

**Attachments:**      Accompanying Statement explaining CPNI procedures  
                          Explanation of actions taken against data brokers (not applicable, see Statement)  
                          Summary of customer complaints (not applicable, See Statement)

## **TellAX, Inc.**

### **STATEMENT OF POLICY REGARDING CUSTOMER PROPRIETARY NETWORK INFORMATION**

In accordance with Section 222 of the Communications Act and the Federal Communications Commission's ("FCC") CPNI Rules (47 C.F.R. Section 64.2001, *et seq.*), TellAX, Inc. ("TellAX, Inc.") files this Statement of Policy outlining the Company's procedures for accessing, using and storing Customer Proprietary Network Information ("CPNI").

TellAX, Inc. provides wholesale and retail telecommunications services to customers. Therefore, because TellAX, Inc. may access, use, or store CPNI when providing these types of services, the Company undertakes the steps outlined in this Statement of Policy to protect CPNI from unauthorized access or misuse.

#### **Definition of CPNI**

Under federal law, CPNI is certain customer information obtained by a telecommunications provider during the course of providing telecommunications services (including interconnected VoIP) to a customer. This includes information relating to the quantity, technical configuration, type, destination, location, and amount of use of a telecommunications service subscribed to by any customer of a telecommunications carrier.

Examples of CPNI include information typically available from telephone-related details on a monthly bill such as the types of services purchased by a customer, numbers called, duration of calls, directory assistance charges, and calling patterns. CPNI does not include names, addresses, and telephone numbers, because that information is considered subscriber list information under applicable law.

#### **Use of CPNI**

It is the policy of TellAX, Inc. not to use CPNI for any activity other than as permitted by applicable law. Any disclosure of CPNI to other parties (such as affiliates, vendors and agents) occurs only if it is necessary to conduct a legitimate business activity related to the services already provided by TellAX, Inc. to the customer. If TellAX, Inc. is not required by law to disclose CPNI or if the intended use is not otherwise permitted under FCC Rules, the Company will first obtain the customer's consent prior to using or sharing CPNI.

TellAX, Inc. follows industry-standard practices to prevent unauthorized access to CPNI by a person other than the subscriber or Company. However, TellAX, Inc. cannot guarantee that these practices will prevent every unauthorized attempt to access, use, or disclose personally identifiable information.

### *Wholesale Services*

With regards to wholesale services, TellIX typically does not obtain the end-user customer's billing name, address or telephone number, or any other information that relates to the quantity, technical configuration, type, or location of a specific end-user customer's service. Nevertheless, the company will follow all CPNI policies outlined within the Statement of Policy, to the extent applicable to its wholesale services.

### **CPNI Notification**

TellIX, Inc. notifies customers immediately of any account changes, including address of record, authentication, online account and password related changes.

### **Employee Training Policies**

All employees of TellIX, Inc. are trained as to when they are, and are not, authorized to use CPNI.

Specifically, TellIX, Inc. prohibits its personnel from releasing CPNI based upon a customer-initiated telephone call except under the following three (3) circumstances.

- 1) When the customer has pre-established a password;
- 2) When the information requested by the customer is to be sent to the customer's address of record; or
- 3) When TellIX, Inc. calls the customer's telephone number of record and discusses the information with the party initially identified by customer when service was initiated.

### *Disclosure to Business Customers*

TellIX, Inc. may negotiate alternative authentication procedures for services that the Company provides to business customers that have a dedicated account representative and a contract that specifically addresses the protection of CPNI.

### **Disciplinary Procedures**

TellIX, Inc. has informed its employees and agents that it considers compliance with the Communications Act and FCC Rules regarding the use, disclosure, and access to CPNI to be very important.

Violation by company employees or agents of such CPNI requirements will lead to disciplinary action (including remedial training, reprimands, unfavorable performance reviews, probation, and termination), depending upon the circumstances of the violation (including the severity of the violation, whether the violation was a first time or repeat violation, whether appropriate guidance was sought or received from a supervisor, and the extent to which the violation was or was not deliberate or malicious).

## **Use of CPNI in Sales and Marketing Campaigns**

TellAX, Inc. does not use CPNI in any marketing campaigns.

However, if TellAX, Inc. does use CPNI in marketing campaigns, the company will maintain a record of all sales and marketing campaigns that use the CPNI. The record will include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as part of the campaign.

TellAX, Inc. will also implement a system to obtain prior approval and informed consent from its customers in accordance with the CPNI Rules. This system will allow for the status of a customer's CPNI approval to be clearly established prior to the use of CPNI.

Prior to commencement of a sales or marketing campaign that utilizes CPNI, TellAX, Inc. will establish the status of a customer's CPNI approval. The following sets forth the procedure that will be followed by the Company:

- Prior to any solicitation for customer approval, TellAX, Inc. will notify customers of their right to restrict the use of, disclosure of, and access to their CPNI.
- TellAX, Inc. will use opt-in approval for any instance in which Company must obtain customer approval prior to using, disclosing or permitting access to CPNI.
- A customer's approval or disapproval remains in effect until the customer revokes or limits such approval or disapproval.
- Records of approvals are maintained for at least one year.
- TellAX, Inc. provides individual notice to customers when soliciting approval to use, disclose or permit access to CPNI.
- The CPNI notices sent by TellAX, Inc. comply with FCC Rule 64.2008(c).

TellAX, Inc. will also establish a supervisory review process regarding compliance with the CPNI rules for outbound marketing situations and will maintain compliance records for at least one (1) year.

### *FCC Notification*

Company is prepared to provide written notice within five (5) business days to the FCC of any instance where the opt-in mechanisms do not work properly or to such a degree that consumers' inability to opt-in is more than an anomaly.

## **Third Party Use of CPNI**

To safeguard CPNI, prior to allowing joint venturers or independent contractors access to customers' individually identifiable CPNI, TellAX, Inc. will require all such third parties to enter into a confidentiality agreement that ensure compliance with this Statement of Policy and TellAX, Inc. shall also obtain opt-in consent for a customer prior to disclosing the information to such third parties. In addition, TellAX, Inc. requires all outside agents to acknowledge and

certify that they may only use CPNI for the purpose for which that information has been provided.

TelIX, Inc. requires express written authorization from the customer prior to dispensing CPNI to new carriers, except as otherwise required by law.

TelIX, Inc. does not market or sell CPNI information to any third party.

### **Law Enforcement Notification of Unauthorized Disclosure**

If an unauthorized disclosure of CPNI occurs, TelIX, Inc. shall provide notification of the breach within seven (7) days to the United States Secret Service ("USSS") and the Federal Bureau of Investigation ("FBI").

TelIX, Inc. shall wait an additional seven (7) days from its government notice prior to notifying the affected customers of the breach.

Notwithstanding the above, TelIX, Inc. shall not wait the additional seven (7) days to notify its customers if the Company determines there is an immediate risk of irreparable harm to the customers.

TelIX, Inc. shall maintain records of discovered breaches for a period of at least two (2) years.

### **Customer Complaints**

TelIX, Inc. has not received any customer complaints in the past year concerning the unauthorized release of or access to CPNI.

### **Actions taken against Pretexters**

TelIX, Inc. has not taken any actions against data brokers before state commissions, state or federal courts, or the FCC in the past year. TelIX, Inc. has no information, other than information that has been publicly reported, regarding the processes that pretexters are using to attempt to access CPNI.

### **Annual CPNI Certification**

Pursuant to FCC regulations, 47 C.F.R. § 64.20089(e), TelIX, Inc. will annually submit to the FCC, prior to March 1st, a CPNI Certification of Compliance and accompanying Statement regarding the company's CPNI policies and operating procedures. These documents certify that TelIX, Inc. complied with federal laws and FCC regulations regarding the protection of CPNI throughout the prior calendar year.